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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,249	03/24/2005	Christophe Genevois	740612-189	8701

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EXAMINER	
KIM, EDWARD J	

ART UNIT	PAPER NUMBER
2155	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/511,249	GENEVOIS, CHRISTOPHE	
	Examiner	Art Unit	
	EDWARD J. KIM	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8 and 10* is/are pending in the application.

4a) Of the above claim(s) *6, 7, 9* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8 and 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the Request for Continued Examination filed on 08/15/2008.

2. Claims 1-5, 8, and 10 are pending in this office action. Claims 1 and 8 have been amended, and claims 6, 7, and 9 have been cancelled.

Response to Amendment

3. The Examiner accepts the amendments made for examination purposes.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rabne et al. hereinafter Rabne (US Patent #6,006,332 filed on 10/21/1997).

Rabne teaches the invention as claimed including a Rights Management (RM) system for digital media.

Regarding claim 1, Rabne teaches, a method of operating a conditional access network wherein providers distribute valuable contents over the network and end-users are allowed to access such valuable contents in function of individual access rights, wherein valuable contents are made available to the end-users by way of a plurality of different conditional access systems

(Rabne, Abstract. Rabne teaches that when the software available is not able to fulfill the requirement the launch pad searches and requests an appropriate RM browser, which has to be authenticated before use, to handle the data. According to the invention taught by Rabne, different browsers/systems are obtained for handling the data.), the method comprising the steps of:

configuring a generic conditional access component having a basic functionality common to all conditional access systems and a plurality of particular conditional access systems, said plurality of particular conditional access systems being initially disabled (Rabne, Abstract, col.7 ln.9-14, col.8 ln.34-38, col.10 ln.56, col.11 ln.2-4. Rabne teaches that when the software available is not able to fulfill the requirement the launch pad searches and requests an appropriate RM browser, which has to be authenticated before use, to handle the data. According to the invention taught by Rabne, different browsers/systems are obtained for handling the data. According to the disclosure by Rabne, the downloaded RM browser is disabled and needs to be authenticated prior to use via license verification, therefore it is initially disabled for use.);

providing the generic conditional access component to an end-user (Rabne, col.3 ln.54-59, col.6 ln.61 - col.7 ln.4, col.7 ln.1-5. The launch pad program taught by Rabne is considered to be a generic conditional access component as it resides on the client, having a basic functionality for access to all other RM browsers/conditional access systems.);

identifying a particular conditional access system to be used by the conditional access component (Rabne, Abstract, col.6 ln.61-66, col.7:1-14, col.10 ln.34-36, col.10 ln.64-67. An

appropriate RM browser (conditional access system) is downloaded to the end-user on the launch pad program (conditional access component) for handling the data.);

acquiring by the end-user of a license related to the identified particular conditional access system; loading said license into the conditional access component; and enabling the particular conditional access system after successful verification of the license (Rabne, col.7 ln.9-14, col.8 ln.34-38, col.10 ln.56, col.11 ln.2-4. According to the disclosure by Rabne, the downloaded RM browser is disabled and needs to be authenticated prior to use through license verification.).

Regarding claim 8, Rabne teaches, a conditional access component for use in a conditional access network wherein a provider distributes valuable contents over the network and end-users are allowed to access such valuable contents in function of individual access rights defined by a user license (Rabne, Abstract, col.7 ln.9-14, col.8 ln.34-38, col.10 ln.56, col.11 ln.2-4. Rabne teaches that the invention is used for text, audio and video data transmission, where the launch pad searches and requests an appropriate RM browser to handle the data. Prior to the use of the RM browser, it has to be authenticated. According to the disclosure by Rabne, the downloaded RM browser is disabled and needs to be authenticated prior to use through license verification.), wherein said component comprises a first software module embedding a basic functionality common to a plurality of different conditional access systems used in the network, a plurality of specific application software, each constituting a particular conditional access system in conjunction with the basic functionality (Rabne, col.3 ln.54-59, col.6 ln.61 - col.7 ln.4, col.7 ln.1-5. The launch pad program taught by Rabne is considered to be a generic conditional access component as it resides on the client, having a basic functionality for access to all other

RM browsers/conditional access systems.), a non-volatile memory for storing said plurality of specific application software, said particular conditional access systems being initially disabled in the non-volatile memory, means for acquiring a license for the particular conditional access system, and means for selectively enabling the particular conditional access system subject to a successful verification of the corresponding license (Rabne, col.7 ln.9-14, col.8 ln.34-38, col.10 ln.56, col.11 ln.2-4. According to the disclosure by Rabne, the downloaded RM browser is disabled and needs to be authenticated prior to use through license verification.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 2-5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabne, in view of Kamperman et al. hereinafter Kamperman ("Conditional access system interoperability through soft downloading").

Regarding claim 2, Rabne disclosed the limitations, as described in claim 1, however fails to teach the use of digital transport stream that contains Entitlement Management Messages (EMMs).

Kamperman discloses an interoperable conditional access system through software downloading, including the use of EMMs. Kamperman discloses a method, wherein valuable contents are distributed in a digital transport stream that contains Entitlement Management Messages "EMMs" specific to each conditional access system (Kamperman, p.48 Section 2: 1st paragraph. Kamperman discloses a method of operating a conditional access system for Digital Pay-TV and the use of EMMs for authorizing the use of key for every separate program and for every separate user.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rabne to include the EMMs as taught by Kamperman. One would be motivated to do so to prevent users from acquiring unauthorized access to Satellite or Cable TV Broadcasts.

Regarding claim 3, Rabne teaches the limitations, as described in claim 2, and further discloses the method of claim 2, however, fails to disclose a filter unit for filtering out EMMs.

Kamperman discloses a method wherein each conditional access component includes a filter unit for filtering out the specific EMMs of conditional access systems (Kamperman, p.47 Right Column: 2nd paragraph, p.49 Left Column: 3rd paragraph, Fig.2 ("ECM, EMM Section Filter" component). According to Kamperman, EMMs are filtered out of the data stream.) enabled on the component and a verifier unit for the verification of access rights defined by the filtered specific EMMs (Kamperman et al. p.48 Right Column: 2nd paragraph. Kamperman

discloses that the filtered out EMMs are used for authorizing the use of a key for every separate conditional access system, for determining the access rights of the user.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rabne to include a filter unit as taught by Kamperman. One would be motivated to do so to filter out the EMMs accordingly from the data stream and conduct verification for determining the access rights of the user.

Regarding claim 4, Rabne disclosed the limitations, as described in claim 3, and further discloses, a method wherein the valuable contents in the transport stream are scrambled, each conditional access component has a descrambler adapted to process a scrambled transport stream into a clear transport stream, and the descrambler is enabled or disabled in function of a successful or unsuccessful verification, respectively, of the access rights (Rabne, col.6 ln.31-45, col.7 ln.9-19, col.11 ln.55-61, col.22 ln.28-51. Rabne discloses that the valuable contents are encrypted and decrypted only by the verified authorized receivers. According to the disclosure by Rabne, the downloaded RM browser is disabled and needs to be authenticated prior to use through license verification.).

Regarding claim 5, Rabne disclosed the limitations, as described in claims 1 to 4, and further discloses, a method wherein each conditional access system has an associated application for execution by the conditional access component (Rabne, col.3 ln.56-59, col.6 ln.66 – col.7 ln.4, coll.10 ln.52-53. Appropriate applications, such as RM browsers, are downloaded for each conditional access system.).

Regarding claim 10, Rabne disclosed the limitations as described in claim 8, however, fails to disclose the use of EMMs.

Kamperman discloses a conditional access component wherein the valuable contents are distributed in a digital transport stream that contains Entitlement Management Messages "EMMs" specific to each conditional access system (Kamperman, p.48 Section 2: 1st paragraph. Kamperman discloses a method of operating a conditional access system for Digital Pay-TV and the use of EMMs for authorizing the use of key for every separate program and for every separate user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rabne to include the EMMs as taught by Kamperman. One would be motivated to do so to prevent users from acquiring unauthorized access to Satellite or Cable TV Broadcasts.),

Rabne also fails to disclose a filter unit for filtering out EMMs.

Kamperman discloses a system wherein comprising a filter unit for filtering out specific EMMs of conditional access systems enabled on the component (Kamperman, p.47 Right Column: 2nd paragraph, p.49 Left Column: 3rd paragraph, Fig.2 ("ECM, EMM Section Filter" component). According to Kamperman, EMMs are filtered out of the data stream.) and a verifier unit for the verification of access rights defined by the filtered specific EMMs (Kamperman et al. p.48 Right Column: 2nd paragraph. Kamperman discloses that the filtered out EMMs are used for authorizing the use of a key for every separate conditional access system, to verify the access rights of the user.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rabne to include a filter unit as taught by

Kamperman. One would be motivated to do so to filter out the EMMs accordingly from the data stream and conduct verification for determining the access rights of the user.

Response to Arguments

9. Applicant's arguments filed on 08/15/2008 have been fully considered but they are not persuasive.

The Applicant argues,

> "The elements of claims 1 and 8 are not disclosed by Rabne et al. Specifically Rabne et al fails to disclose a preloaded conditional access component that contains **initially** all variations of the future functionalities, wherein the preloaded systems are disabled until a purchase action, such as acquiring a license, is performed and wherein means are provided for selectively enabling at least one of the preloaded systems subject to successful verification of the license." (refer to pg.6 second paragraph of the Amendment filed by the Applicant on 08/15/2008)

The Examiner respectfully disagrees.

With respect to the above argument, claim 1 recites the limitation,

> "configuring a generic conditional access component having a basic functionality common to all conditional access systems and a plurality of particular conditional access systems, said plurality of particular conditional access systems being initially disabled".

and claim 8 recites the limitation,

> "wherein said component comprises a first software module embedding a basic functionality common to a plurality of different conditional access systems used in the network, a plurality of specific application software, each constituting a particular conditional access system in conjunction with the basic functionality".

The claim language does not correspond to the Applicant's explanation of the invention in the arguments made in the Amendment filed on 08/15/2008 (refer above). For example, the claim at least fails to disclose that the plurality of systems are "preloaded", since claim 1 cites "a method comprising the steps of: *configuring*". Also, the claims fail to disclose that the "*initially*

all variations of the future functionalities" are *preloaded* into the component. Furthermore, paragraphs [0004] - [0006] of the published version of the Applicant's application (US Publication #2005/0165937 A1) suggest that the particular conditional access systems are *loaded* and initially disabled. For example, the Applicant discloses in the publication, "For each particular conditional access system to be used in the component, specific application software is loaded into a non-volatile memory of the component...When a valid license for a particular conditional access system is found, the corresponding application is enabled" ([0006]).

The Examiner maintains the rejection that Rabne teaches the claimed invention, for at least the following reasons: Rabne teaches that when the software available is not able to fulfill the requirement the launch pad searches and requests an appropriate RM browser, which has to be authenticated before use, to handle the data. According to the invention taught by Rabne, different browsers/systems are obtained for handling the data. According to the disclosure by Rabne, the downloaded RM browser is disabled and needs to be authenticated prior to use via license verification, therefore it is initially disabled for use (Rabne, Abstract, col.7 ln.9-14, col.8 ln.34-38, col.10 ln.56, col.11 ln.2-4).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references

in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

A Shortened statutory period for reply is set to expire 3 month(s) or thirty (30) days, whichever is longer, from the mailing date of this communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Kim whose telephone number is (571) 270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward J Kim/
Examiner, Art Unit 2155

/saleh najjar/
Supervisory Patent Examiner, Art Unit 2155